

REMARKS**I. Status of the Claims**

Claims 1-133 are currently pending in the application. As a result of the election filed on October 4, 2004, claims 2, 14, 15, 26-34, 43-50, 55-58, 62, 74, 76, 78, and 104-133 are withdrawn from consideration. Of the claims currently under consideration, 1, 61, 77, and 94 are independent.

By the above Amendment, claims 1, 24, 36, 61, and 77 have been amended. These changes are believed to introduce no new matter. Reconsideration is respectfully requested.

II. Rejections under 35 U.S.C. §112

Claims 36, 24, and 25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to provide proper antecedent basis. As amended, claims 36 and 24 provide proper antecedent basis for the rejected claims. Accordingly, Applicant requests that this rejection be withdrawn.

III. Rejections under 35 U.S.C. §103

The Examiner has raised the following rejections under 35 U.S.C. §103(a):

1. Claims 13, 40, 73, 77 and 89 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2002/0065881 to Mansikkaniemi et al. ("Mansikkaniemi") in view of U.S. Patent Application Publication No. 2001/0021649 to Kinnunen et al. ("Kinnunen"); and
2. Claims 51, 53, and 94-96 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Mansikkaniemi in view of U.S. Patent No. 6,044,062 to Brownigg et al. ("Brownigg").

Each of the above rejections is based on Mansikkaniemi. However, Mansikkaniemi and the invention of the present application were commonly owned or subject to an obligation of

current ownership at the time the current invention was made. Therefore, under the provisions of 35 U.S.C. §103(c), Mansikkaniemi is ineligible as a reference under 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests that the outstanding rejections under 35 U.S.C. §103(a) be withdrawn.

IV. Rejections under 35 U.S.C. §102

Claims 1, 3, 4, 16-20, 22-25, 52, 61, 63, 64, 77, 79, 80, and 90-93 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Mansikkaniemi. Applicant respectfully traverses this rejection for at least the following reasons.

These rejected claims include independent claims 1, 61, and 77, which recite tag data constructs associated with multimedia messages. In contrast, Mansikkaniemi fails to disclose such multimedia features. Instead, Mansikkaniemi merely discloses single media “notes” that do not have multimedia characteristics. For instance, paragraphs [0046] through [0049] of Mansikkaniemi describes these notes as being exclusively text.

The remaining claims rejected on these grounds depend from these independent claims. Accordingly, technical differences exist between the claimed invention and Mansikkaniemi. For at least this reason, the rejection under 35 U.S.C. §102 is improper because Mansikkaniemi does not teach every feature of the rejected claims. Thus, Applicant requests that the rejection of claims 1, 61, and 77, as well as their respective dependent claims, be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4079.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4079.

Respectfully submitted,
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